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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,090

09/30/2003

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14445US02

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23446 7590 09/26/2007  
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EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,090

Applicant(s)

KARAOGUZ ET AL.

Examiner

Jorge Mendoza

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/02/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4-8, 10, and 12-18** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kerman (USPN 5,659,366)**.

Regarding **claim 1**, the claimed “a display communicatively coupled to at least one communication device, the communication device being in at least one of a “standby” mode or an “off” mode” is met by Kerman teaching a video display 136 and a communication device (tuner 105, host microcontroller 110, data decoder 125, light source 200, & audio source 205 – Fig.2) being in “standby” mode (Fig.1 & 2; col.3, lines 3-12; and col.5, lines 16-21). The claimed “communication network communicatively coupled to the at least one communication device” is met by Kerman teaching a device that receives incoming television signals being transmitted over a wireless or cable infrastructure network through the use of an antenna or cable (Fig.1 & 2; col.2, lines 14-15; and col.4, lines 64-66). The claimed “media content disposed in at least one of the communication network and the at least one communication device, the at least one communication device adapted to detect the media content that is newly accessible to the at least one communication device and to provide indications relating to the detection of the newly available media content, the indications being provided on at

Art Unit: 2609

least one of the display and the at least one communication device" is met by Kerman teaching a device that serves to notify a television viewer of the occurrence of a certain event through the use of an alert signal, such as a visible or audible alert and that the alert message can be displayed on a video display (Fig.1 & 2; col.3, lines 3-34; and col.4, lines 55-63).

With respect to **claim 4**, Kerman teaches a tuner 105, host microcontroller 110, data decoder 125, speaker 116, video display 136, light source 200, audio source 205 (Fig.1 & 2; col. 2, lines 13-67; col.3 lines 1-16; and col.4, lines 55-63).

With respect to **claim 5**, Kerman teaches the indication of newly detected media content on a display via an on screen display 130, video mixer 132, and video display 136 and that it may be a CRT television (Fig.1 & 2, and col.3, lines 10-12).

With respect to **claims 6 & 7**, Kerman teaches that this newly detected media content may be a data message, the airing of a certain television program, or a personal message intended for a specific user only (col.2, lines 4-7 and col.3, lines 25-29)

With respect to **claim 8**, the claimed "indications relating to the detection of the newly available media content comprise at least one of display pop-up window notification, and display ghost overlay notification" by teaching that "the video signals of the on-screen display circuitry 130 are applied to the video mixer 132. The mixer 132 combines the on-screen display signal with the received video signals to produce a composite display. This display may, for example, combine active video with control menu displays, add a closed caption display to a video signal or display information from the IPG in a window inset into the active video image" (col.3, lines 3-10).

With respect to **claim 10**, Kerman teaches that upon the detection of new media content, LED's may be cause to blink and audio source may be caused to emit a beeping sound (col.3, lines 29-31 and col.5, lines 10-15).

With respect to **claim 12**, the claimed "processor disposed in a communication device" is met by the host microcontroller 110 (Fig.1 & 2). The claimed "the communication device being in standby mode and communicatively coupled to a communication network" is met by Kerman teaching that the "tuner 105, the host microcontroller 110, the data decoder 125, the light source 200 and the audio source 205 are operable on standby power" (col.5, lines 16-18) and that "the incoming television signal is received by an antenna or cable 100. A tuner 105, controlled by a host microcontroller 110, selects a particular channel signal and demodulates the signal to recover a baseband video signal and an audio signal" (col.2, lines 14-18). The claimed "the at least one processor detecting newly accessible media content on the communications network and providing indications relating to the detection of newly available media content" is met by Kerman teaching that, "the systems shown in Fig.2 includes programming in the host microcontroller 110 and data decode circuitry 125 which allows the system to recognize the occurrence of events based on the received data and, once an event has been recognized, activate an alarm device or devices as appropriate" (col.4, lines 55-63 & Fig.2). In other words, Kerman teaches that the microcontroller 110, with information from the data decoder 125, detects new media content and activates a set of alarms.

Art Unit: 2609

With respect to **claim 13**, Kerman teaches a communication device that has LED's as one of its components (col.4, lines 55-58).

Regarding **claim 14**, Kerman teaches that the indications for the detection of new content may be the activation of LED's or an audible announcement. Kerman teaches "this notification signal, or alarm, can be visible (such as light provided by a light-emitting diode) or audible (such as a beep tone)"(col.3, lines 29-31).

**Claim 15** is met as previously discussed with respect to **claim 1**.

**Claim 16** is met as previously discussed with respect to **claim 10**.

**Claim 17** is met as previously discussed with respect to **claim 8**.

**Claim 18** is met as previously discussed with respect to **claim 1**.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 3, 9, 11 & 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kerman (USPN 5,659,366)** in view of **Hunter et al (USPN 7,233,781)**.

With respect to **claims 2 & 3**, Kerman teaches a system for managing newly accessible media content on a communication system as discussed in claim 1 above. However, Kerman does not teach that the communication network in which the media

Art Unit: 2609

content transmitted in is an Internet. In the same field of endeavor, the Hunter et al. reference teaches a method of receiving emergency notification content via a number of transmission methods, one of them being the Internet. Hunter et al. teaches that "each of the Cable TV 15, DBS headend 17 or ISP entities 18 are alternately referred to herein as 'transmitting party' which rebroadcasts the emergency notification content to the intended audience via an associated media including, but not limited to: cable 30, satellite 33, internet 36, cellular telephone, and plain old telephony 38." (col.8, lines 48-52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the internet as a communication network as taught by Hunter et al. in the invention of Kerman in order to provide an additional communication network for media content.

With respect to **claim 9**, the claimed invention of claim 8 is taught by the Kerman reference as discussed above. However, the claimed "display is in a 'standby' mode" is not explicitly taught by the Kerman reference. The Hunter et al reference teaches how a communication device, namely a set-top box, can automatically turn on a display from "standby" mode and thereby display an appropriate notification on it (col.11, lines 61-67 & col.12, lines 1-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the Kerman reference as described above with the additional teachings of the Hunter et al reference to give an addition benefit of turning on a display when it is in a "standby" mode in order to display a notification message.

With respect to **claim 11**, Kerman teaches the claimed invention of claim 10. However, Kerman does not teach a system in which the display is in an "off" mode. The Hunter teaches that if the display is "off", there is still an audible announcement given by the communication device. Hunter et al. discloses that "the device 110 additionally includes an internal speaker 212 to function as both an alarm and provide output to an user in the event their TV or monitor display capability is damaged or inoperable" (col.15, lines 49-52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the "off" feature taught by Hunter et al. in the invention of Kerman in order to allow the user to be notified of new content even when the display is off.

With respect to **claim 19**, Kerman teaches the claimed management of newly accessible media content on a communication network as discussed in claim 1 above. However, Kerman does not specifically teach the claimed "(b) displaying a notice relating to the availability of the newly accessible media content on a text display, the text display communicatively coupled to the communication device" or the claimed "(c) activating at least one of an integrated television and an external television". Portion (b) of claim 19 is met by col. 5, lines 54-58 of Hunter et al. Even though the claimed "text display" is not explicitly disclosed in the Hunter et al. reference, the Examiner takes Official Notice that it is well known in the art that a set top box may have a textual display as one of its functioning components. Portion (c) of claim 19 is met by Hunter et al. that teaches "in yet another embodiment of the present invention a method of signaling is utilized by the emergency notification broadcaster to turn-on a viewing or



Art Unit: 2609

listening device and set the operational controls to a state sufficient to catch the attention of any viewers/listeners within the household, business, or other locals. For example, with cable type set top boxes an AC outlet is often provided for TVs and other appliances. Since TVs and other display/listening devices often default to acceptable operating levels the cable box can simply power-up the TV which is always left in an on state. Control functions may also be integrated with wireless (infrared) remote controls and other such devices currently in use". (Col.11, lines 61-67 & Col.12, lines 1-6).

With respect to **claim 20**, Hunter et al. teaches the activation of an external TV from a "standby" mode (Col.12, lines 1-6).

With respect to **claim 21 & 22**, the claimed "(e) generating an audible alert signal for the availability of the newly accessible media content" and "at least one of the integrated television and the external television is in an 'off' mode" is met by the Hunter et al. references. Hunter et al. teaches that if an external TV is "off", there is still an audible announcement given by the communication device, stating that "the device 110 additionally includes an internal speaker 212 to function as both an alarm and provide output to an user in the event their TV or monitor display capability is damaged or inoperable" (col.15, lines 49-52).

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Lajoie et al. (USPN 5,850,218)** discloses a system and method for providing a full service cable television system. Lajoie et al teaches, among other things, the set-top terminal being able to automatically turn on a display that is "off" or in "standby" mode and the ability to provide online services such as WWW browsing & internet e-mail.

**Huna et al (US PUB 2001/0012286)** disclose an apparatus and method for the detection of messages from a wide variety of devices, among them: telephones, computers, faxes, etc. Huna et al teaches how a computer user can designate what types of messages they want to receive and how they want to be alerted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

10/24/03  
Pat. Officer

*L. Y. Lau*